

DEC 09 2005

PTO/SB/26 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**Docket Number (Optional)
37505.0387

In re Application of: Harguth et al.

Application No.: 10/633,942

Filed: August, 4, 2003

For: Reforming Wet Tantalum Capacitors In Implantable Defibrillators And Other Devices

The owner*, Wilson Greatbatch Technologies, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,706,059 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

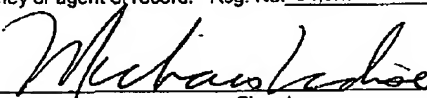
- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 34,920


Signature

December 9, 2005
Date

Michael F. Scalise
Typed or printed name

716-759-5810
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

12/12/2005 MBINAS 00000025 10633942

01 FC:1814

130.00 OP

ASSIGNMENT

WHEREAS, Cardiac Pacemakers, Inc., a Minnesota corporation of 4100 Hamline Avenue North, St. Paul, Minnesota (hereinafter "Assignor"), is the sole and exclusive owner, by assignment from the inventors, of the United States Patents and Patent Applications listed on Schedule A, attached hereto and made a part hereof.

WHEREAS, Wilson Greatbatch Technologies, Inc., a Delaware corporation of 9645 Wehrle Drive, Clarence, New York 14031 (hereinafter "WGT"), is desirous of acquiring the entire right, title and interest in, to and under said Patents and the inventions set forth therein.

NOW, THEREFORE, in consideration of and in exchange for the sum of One Dollar (\$1.00) to it in hand paid by WGT and other good and valuable consideration, the receipt of which is hereby acknowledged, Assignor has sold, assigned, transferred and set over, and does hereby sell, assign, transfer and set over to WGT the entire right, title and interest in and to said inventions and Patents aforesaid, and any reissues thereof, the same to be held and enjoyed by WGT for its own use and enjoyment, and for the use and enjoyment of its successors, assigns or other legal representatives, to the end of the term or terms for which the said Patents are or may be granted or reissued as fully and entirely as the same would have been held and enjoyed by Assignor, if this assignment and sale had not been made; together with all claims for damages by

- 2 -

reason of past infringement of said Patents, with the right to sue and collect the same for its own use and enjoyment, and for use and enjoyment of its successors, assigns or other legal representatives.

CARDIAC PACEMAKERS, INC.

By: R. R. L. L. L.
Asst. Secretary (Title)

Date: 01 APRIL, 2004

Attest:

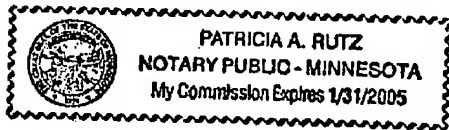
STATE OF Minnesota)
COUNTY OF Ramsey)

SS.

- 3 -

On this 1st day of April, 2004, personally appeared Richard Clapp, to me known and known to me to be the Ass't Secretary of Cardiac Pacemakers, Inc., the assignor above-named, and acknowledged that he executed the foregoing Assignment on behalf of said assignor and pursuant to authority duly received.

Patricia Rutz
Notary Public



SCHEDULE A
UNITED STATES PATENTS

Patent Numbers:

U.S. Patent No. 6,283,985

U.S. Patent No. 6,706,059

Patent Applications:

U.S. Patent Application 09/900,595, filed 7/6/01 (publication no. 2001/0047190 of November 29, 2001), pending

U.S. Patent Application 10/633,492, filed 8/4/03

U.S. Patent Application 10/801,315, filed 3/16/04

BFLDOCS 908403v1 (JGXFD11DOC)